## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Docket No.:

A04P1019

EXPRESS MAIL NO. EV100889045

PATENT

∽nventor(s):

Steve Koh

STitle:

SYSTEM AND METHOD FOR DIAGNOSING AND TRACKING CONGESTIVE HEART FAILURE BASED ON THE PERIODICITY OF CHEYNE-STOKES

RESPIRATION USING AN IMPLANTABLE MEDICAL DEVICE

Mail Stop Patent Application COMMISSIONER FOR PATENTS P.O. Box 1450 Alexandria, VA 22313-1450

Dear Sir:

| Submitted herewith fo | filing are the | following | documents: |
|-----------------------|----------------|-----------|------------|
|-----------------------|----------------|-----------|------------|

page(s) DATA SHEET

page(s) application including \_39\_ pages specification, \_4\_ pages claims, and \_1\_ page abstract

<u>X\_</u> \_14\_\_ Sheet(s) of Drawings

Formal \_\_xx\_\_ Informal \_

Declaration

**Assignment** 

**Recordation Form Cover Sheet** 

Power of Attorney by Assignee...

Nonpublication Request Under 35 USC 122

Information Disclosure Statement

PTO-1449 and references

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| T   | ne PTO    | lid not   | Name and Address of the Owner, where the Owner, which is the Owner, where the Owner, which is the Owner, where the Owner, which is the Owner, which i |           |     |
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| lis | ted item( | S) A Can  | eceive the   | following |     |
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| ITEM | 7  | NO. OF CLAIM | S FILED | NO. OF<br>ADDITIONAL<br>CLAIMS FILED | LG ENTITY<br>FEE | \$ AMOUNT | \$ FEE  |
|------|--|--------------|---------|--------------------------------------|------------------|-----------|---------|
| Α    | TOTAL CLAIMS FEE                                       | 20           | - 20 =  | 0                                    | X \$18           | \$0       | \$<br>0 |
| В    | INDEPENDENT CLAIMS FEE**                               | 3            | - 3=    | 0                                    | X 86             | 0         | 0       |
| С    | SUBTOTAL - ADDITIONAL CLAIMS FEE (LINES A + B)         |              |         |                                      |                  | \$<br>0   |         |
| D    | MULTIPLE-DEPENDENT CLAIMS FEE LARGE ENTITY FEE = \$270 |              |         |                                      |                  |           |         |
| E    | BASIC FILING FEE*LARGE ENTITY = \$770                  |              |         |                                      |                  | 770       |         |
| F    | TOTAL FILING FEE** (ADD TOTALS FOR LINES C, D, AND E)  |              |         |                                      | \$<br>770*       |           |         |

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Respectfully submitted,

Derrick Reed, Attorney for Applicants

Reg. No. 40,138

### Correspondence Address:

PACESETTER, INC. 15900 Valley View Court Sylmar, CA 91392-9221 818/493-2200 818/362-4795 (fax)

> I hereby certify that this New Application is being deposited with the United States Postal Service as "Express Mail" mailing label number EV100889045US in an envelope as "Express Mail Post Office to Addressee" addressed to the: MAIL STOP PATENT APPLICATION **Commissioner for Patents** P.O. Box 1450 Alexandria, VA 22313-1450, on:

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# NONPUBLICATION REQUEST UNDER 35 U.S.C. 122(b)(2)(B)(i)

First Named Inventor

Steve Koh

Title SYSTEM AND METHOD FOR DIAGNOSING AND TRACKING CONGESTIVE HEART FAILUREEBASED ON THE PERIODICITY OF CHEYNE-STOKES RESPIRATION USING AN IMPLANTABLE MEDICAL

Attorney Docket Number

A04P1019

DEVICE

I hereby certify that the invention disclosed in the attached application has not and will not be the subject of an application filed in another country, or under a multilateral agreement, that requires publication at eighteen months after filing.

I hereby request that the attached application not be published under 35 U.S.C. 122(b).

3/2/04

Signature

(818) 493-2200

-

Derrick Reed, Reg. No. 40,138

Telephone number

Typed or printed name

This request must be signed in compliance with 37 CFR 1.33(b) and submitted with the application **upon filing.** 

Applicant may rescind this nonpublication request at any time. If applicant rescinds a request that an application not be published under 35 U.S.C. 122(b), the application will be scheduled for publication at eighteen months from the earliest claimed filing date for which a benefit is claimed.

If applicant subsequently files an application directed to the invention disclosed in the attached application in another country, or under a multilateral international agreement, that requires publication of applications eighteen months after filing, the applicant **must** notify the United States Patent and Trademark Office of such filing within forty-five (45) days after the date of the filing of such foreign or international application. **Failure to do so will result in abandonment of this application (35 U.S.C. 122(b)(2)(B)(iii)).** 

This collection of information is required by 37 CFR 1.213(a). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 6 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS, SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.